



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,400	07/13/2001	Vaishali Angal	26196-702	3745
40418	7590	12/18/2006	EXAMINER	
HEIMLICH LAW			CASLER, TRACI	
5952 DIAL WAY			ART UNIT	
SAN JOSE, CA 95129			PAPER NUMBER	

3629
DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,400

Applicant(s)

ANGAL ET AL.

Examiner

Traci L. Casler

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 and 69-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 69-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to papers filed on October 5, 2006.

Claims 1-31 and 69-71 are pending.

Claims 1-31 and 69-71 are rejected.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 5, 2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-31 and 69-71 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claims 1-31 and 69-71 contain the limitations of "defining at least one XML schema for a product" and "extracting core traits..."based on the XML schema". However, these limitations are not described in the specification as claimed. The specification fails to identify a specific type of schema that is used. The specification talks in general terms regarding the schema. Therefore the claims teaching a "XML schema" put the claims in a narrower scope than the specification allows. In teaching a general scope it leads one of ordinary skill in the art to believe and/or understand that any type of schema can be applied, any type of categorization can be used to extract the core traits.

5. Additionally, the limitation of extracting core traits based on the XML scheme is not described in the original specification in two manners. The initial issue is as the examiner has stated previously the specification does not teach a specific type of schema being used, therefore, if the information can't be claimed as being extracted by the specific schema. Secondly, the specification teaches extracting the core traits and then converting the information into an XML format to be used later. The specification teaches the core traits in an XML format in the database. They do not teach the extraction and the schema being and "XML" schema.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3629

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claim 1-31 and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,134,534; Walker et al. Conditional purchase offer management system for cruises, hereinafter referred to as Walker and further in view of Non-patent literature article "Oracle first with product support for the latest XML specification."; PR Newswire Oct 24, 2000. Hereinafter called Oracle XML.

3. As to claim 1 and 22 Walker teaches a system and method for
Gathering production information from multiple establishments describing the product(C. 3 l. 19-26)

Removing the brand name(C. 7 l. 45-56)

Creating a database with Core product information(Fig. 9a & 9b)

However, Walker fails to teach XML being used for identifying the information as well as using and creating and XML Schema for products. Oracle XML teaches using XML language with Oracle and Microsoft databases.(Pg. 1 ¶A)). It would have been obvious to one of ordinary skill in the art to combine Oracle XML with the Oracle

database used by to comply and meet the recommendations of XML format as set forth by the World Wide Web Consortium.

As to claims 2, 7 and 27 Walker teaches the core product information that is used by multiple establishments(C 3. I. 16-17).

4. As to claim 3 Walker teaches the core product information in a database(Fig. 9a).

5. As to claim 4 Walker teaches providing access to the product information(C. 5 I. 18-19).

6. As to claims 5 and 23 Walker teaches all the different information that can be counted as "core" information; including availability status, and price.

7. As to claim 6 Walker teaches information displayable in a template.(Fig. 10 a)

8. As to claims 8-10, 12-13, 15, 24-26 and 28 Walker organizing the data base in several different ways, depending on the information provided by the airlines(C. 5 I. 46-52.).

9. As to claims 11,16 and 30 Walker teaches categorizing core traits. (Fig. 9a)

10. As to claim 14 Walker teaches removing brand name(C. 7 I. 45-56)

11. As to claims 17 and 31 Walker teaches placing core trait information into a template to display to user.(Fig. 10a).

12. As to claim 18 Walker teaches a rule for setting priorities to the core traits.(C. 5 I. 55-57).

13. As to claims 19 and 29 Walker teaches removing information several times.(C. 9 I. 35038).

Art Unit: 3629

14. As to claim 20 and 21 Walker teaches a method and system of storing digital computer communication.(C. 9 l. 6-9 & 36-40). Walker fails to teach "XML" language explicitly, Oracle XML teaches the XML based data.(Pg. 1 ¶A). It would have been obvious to one of ordinary skill in the art to combine Oracle XML with the Oracle database used by to comply and meet the recommendations of XML format as set forth by the World Wide Web Consortium.

15. As to claims 69-70 Walker teaches

- a. Gathering production information from multiple establishments describing the product(C. 3 l. 19-26)
- b. Removing the brand name(C. 7 l. 45-56)
- c. Creating a database with only the core production information(Fig. 9a & 9b).
- d. providing access to the information(C. 4 l. 18-19)(fig. 10a).

However, Walker fails to teach XML being used for identifying the information. Oracle XML teaches using XML language with Oracle and Microsoft databases.(Pg. 1 ¶A). It would have been obvious to one of ordinary skill in the art to combine Oracle XML with the Oracle database used by to comply and meet the recommendations of XML format as set forth by the World Wide Web Consortium.

16. As to claim 71 Walker teaches the system being performed over a server(C. 6 l. 26-28).

Response to Arguments

17. Applicant's arguments with respect to claims 1-31 and 69-71 have been considered but are moot in view of the new ground(s) of rejection. Applicants arguments have been addressed by the new reference used in the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC



DEANT. NGUYEN
PRIMARY EXAMINER

12/11/00